

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: St Paul District
FILE NUMBER: 04-159794-DJP

REGULATORY PROJECT MANAGER: Dale J. Pfeiffle **Date:** November 23, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** November 23, 2004
 At the project site (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: Wisconsin
County: Racine
Center coordinates of site by latitude & longitudinal coordinates: 42.8391115771N, 88.159001917W
Approximate size of site/property (including uplands & in acres): 30-acres
Name of waterway or watershed: Upper Fox, Illinois, Wisconsin

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or **Approved** X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): A wetland delineation report completed by a private consultant was received for review and concurrence. The delineation report identified 3 separate wetlands at the project site. Two of the wetlands are located within depressional areas surrounded by crop fields. Ponds have been excavated in and adjacent to these wetlands. A review of the USGS quadrangle, the local soil survey, and 2000 SEWRPC aerial photography indicate that a surface water connection does not exist between the two wetlands and a water of the United States. The two wetlands are separated from waters of the US by historically cropped fields and would not be considered adjacent wetlands. No interstate commerce could be associated with the wetlands. Therefore, the two wetlands identified as W-1 and W-2 in the delineation report are isolated waters. The total area of the two isolated wetlands is approximately 1.5 acres.

A third wetland, approximately 1.4 acres in size, identified at the property is adjacent to an excavated drainage ditch that connects to a water of the US that is tributary to a navigable water of the US and is therefore subject to Corps Section 404 jurisdiction.

Property development plans were not included with the delineation. Potential wetland impacts are not known.